

Remarks

The Notice of Non-Compliant Amendment indicated the Amendment After Final did not include in its claim listing the claims that had been previously cancelled. Accordingly, Applicant was required to submit a new listing.

As set forth in the Amendment After Final, the amendments should be entered because they cancel claims and reduce the issues for Appeal, pursuant to 37 C. F. R. § 1.116 (2004) and MPEP § 714.13. Moreover, 37 C. F. R. § 41.33(b) (Sept. 13, 2004) similarly allows entry of Amendments after an appeal brief is filed if they cancel claims.

Applicant has also amended claims 54-55 to depend from the proper claims. As the undersigned discussed with Examiner Schwadron on November 2, 2004, the Office Action of June 4, 2003 renumbered claims 48-53 as claims 50-55. However, the Examiner indicated that the docket clerk did not renumber the dependencies recited in these claims. Therefore, Applicant has done so.

Accordingly Applicant respectfully requests entry of the Amendment.

Respectfully submitted,

By: 
Michael T. Siekman, Reg. No. 36,276
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210
Tel. (617) 720-3500

Docket No. P0786.70000US05
Filed: November 3, 2004
X11/24/04X